

Listing of Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A mobile station for use in a communication system having a base station, the mobile station comprising:

receiver means for receiving from the base station a first downlink signal,

measurement means for measuring a parameter of a portion of the received first downlink signal, where the portion of the received first downlink signal is modulated with only non-predetermined data values and no pilot data values; and

transmitter means for transmitting ~~either (i) first power control commands generated by the mobile station in response to the measured parameter or (ii) second power control commands derived from the non-predetermined data values;~~

wherein determination of which power control commands to transmit is based on a predetermined error rate.

2. (Previously Presented) The mobile station as claimed in claim 1, wherein the receiver means is configured to receive from the base station a second, non-power controlled downlink signal and to derive a channel estimate from the second downlink signal, and to employ the channel estimate to decode the first downlink signal.

3. (Previously Presented) The mobile station as claimed in claim 1, wherein the non-predetermined data values adjust a transmit power of the transmitter means in accordance

with the second power control commands decoded by a power control means.

4. (Previously Presented) The mobile station as claimed in claim 1, wherein the communication system is a radio communication system comprising a base station and at least one station.

5. (Previously Presented) The radio communication system as claimed in claim 4, wherein the base station includes:

a receiver means for receiving the first power control commands; and

a transmitter means for transmitting the first downlink signal modulated with the non-predetermined data values and subjected to transmit power control in accordance with the first power control commands.

Claims 6-8. (Cancelled)

9. (Currently Amended) A method of operating a communication system comprising a base station and at least one mobile station, the method comprising:

receiving from the base station a first downlink signal via a receiver means;

measuring a parameter of a portion of the received first downlink signal via a measurement means, where the portion of the received first downlink signal is modulated with only non-predetermined data values and no pilot data values; and

transmitting ~~either (i) first power control commands generated by the mobile station in response to the measured parameter or (ii) second power control commands derived from the non-predetermined data values via a transmitter means;~~

wherein determination of which power control commands to transmit is based on a predetermined error rate.

10. (Previously Presented) The method as claimed in claim 9, wherein the receiver means is configured to receive from the base station a second, non-power controlled downlink signal and to derive a channel estimate from the second downlink signal, and to employ the channel estimate to decode the first downlink signal.

11. (Previously Presented) The method as claimed in claim 9, wherein the non-predetermined data values adjust a transmit power of the transmitter means in accordance with the second power control commands decoded by a power control means.

12. (Previously Presented) The method as claimed in claim 9, wherein the communication system is a radio communication system including a plurality of mobile stations.